

**REMARKS**

Claims 1-37 are pending in the application.

Claims 1-11, 13-22 and 24-37 have been rejected.

Claims 1, 13, 24 and 30 have been amended.

Unless otherwise specified in the below discussion, Applicants have amended the above-referenced claims in order to provide clarity or to correct informalities in the claims. Applicants further submit that, unless discussed below, these amendments are not intended to narrow the scope of the claims. By these amendments, Applicants do not concede that the cited art is prior to any invention now or previously claimed. Applicants further reserve the right to pursue the original versions of the claims in the future, for example, in a continuing application.

**Rejection of Claims Under 35 U.S.C. §102**

Claims 1-11, 13-22 and 24-37 stand rejected under 35 U.S.C. §102(b) as being anticipated by U.S. Patent No. 5,680,400 issued to York (“York”). Applicants respectfully traverse this rejection.

**Claims 1, 13, 24 and 30:** Independent Claims 1, 13, 24 and 30, as amended, each contain limitations of substantially the following form:

decomposing an input datastream of a plurality of input datastreams into a plurality of sub-streams, wherein

    said decomposing comprises placing a portion of the input datastream into one of a plurality of queues,

    forming the portion of the input datastream using one or more payload data units (PDUs) each comprising a predetermined amount of data,

forming each PDU by selecting the predetermined amount of data from the input datastream,  
associating with each PDU a source identifier identifying the source of the input datastream, and  
each queue of the plurality of queues corresponds to a corresponding channel of a plurality of channels; and  
communicating said sub-streams between a first network element and a second network element of said network by transporting each one of said sub-streams over the corresponding channel, wherein  
a transmission rate of said input datastream is greater than a maximum transmission rate of any one of said channels, and  
said communicating comprises forming a data frame comprising one or more PDUs and the associated source identifiers for each PDU and transmitting the data frame over the corresponding channel.

*See, e.g.,* Claim 1 (amended). Applicants respectfully submit that the cited sections of York fail to provide disclosure of one or more of these limitations.

The amended claim limitations provide for “decomposing an input datastream of a plurality of input datastreams,” “associating with each PDU a source identifier identifying the source of the input datastream,” and “said communicating comprises forming a data frame comprising one or more PDUs and the associated source identifiers for each PDU and transmitting the data frame over the corresponding channel.” Applicants respectfully submit that support for these claim limitations can be found at least in the provisional patent application entitled “Method and Apparatus for Wavelength Concatenated Channel Framing” (60/270,444) which was incorporated by reference by the original Application on pages 14 and 17. *See also* Resp. to Non-Final Office Action, p.11 (“Formal Remarks”)(January 15, 2007). The Appendix accompanying that provisional patent application describes the use and formation of PDUs, source identifiers for PDUs (e.g., Q\_IDs) and data frames comprising PDUs. *See, e.g.,* Provisional Patent App. No. 60/270,444, Appendix pp.16-19. Support for more than one input datastream can be found at least in the original Application at p.12, ll.5-6

(“each high speed datastream is decomposed into multiple sub-streams”)(indicating that there can be more than one high speed [input] datastream). *See also* Application, p.6, II.9-12 (indicating that high-speed datastreams 204 and 206 are one of a plurality of high-speed datastreams 104(1)-(N) and 106(1)-(N)).

Applicants respectfully submit that York fails to provide disclosure of a mechanism for decomposing a plurality of input datastreams and tracking the source input datastream of the PDUs. York discloses that its “high performance communication system 100 takes a single input data stream 105, 107 from the host processor 104 and splits the single input data stream 105, 107 into multiple parallel streams 109 ....” York 2:56-62. York’s single input data stream is purportedly sent from a host processor via a bus, which is then read by a data splitter. *See* York 3:20-29. The data splitter then purportedly divides the single input data stream into packets and provides the packets to queues. *See* York 3:30-43. York’s transmitters then read the packets from the queues and purportedly transmit those packets. *See* York 3:49-55.

York’s disclosed mechanism provides no capacity to split multiple input datastreams into PDUs, with identifiers for the source of the input datastreams, as provided in the presently amended claims. Nor would one expect York to provide such disclosure since York’s stated purpose is to provide a high data rate transfer of a file from a transmitter host to a receiver host, rather than effect transmission of multiple high speed datastreams as disclosed by the present invention. *See, e.g.*, York 1:31-44.

Applicants further submit that the cited sections of York fail to provide disclosure of the communicating of substreams comprising “forming a data frame comprising one or more PDUs and the associated source identifiers for each PDU and transmitting the data frame over the corresponding channel,” as provided in the amended claims. As an initial

matter, the cited sections of York fail to provide disclosure of a data frame that comprises York's disclosed packets (which are posited to correspond to the Application's PDUs). Instead, York only provides for purportedly transmitting the packets themselves to a receiver. *See, e.g.*, York 3:55-57; *see also* York 4:2-4 (“Each transmitter 112 then transfers a packet sequentially to one or more data receivers 114.”), York 4:24-25 (“receivers 114 receive packets from transmitter 112”). Further, as stated above, the cited sections of York provide no capacity for identifying the source of the input datastream and therefore there can be no disclosure of a data frame including a source identifier associated with each packet (e.g., PDU).

For at least these reasons, Applicants submit that York fails to provide disclosure of each limitation of independent Claims 1, 13, 24 and 30, as amended, and all claims depending therefrom and that those claims are in condition for allowance. Applicants therefore respectfully request the Examiner's reconsideration and withdrawal of the rejections to these claims and an indication of the allowability of same.

**Claims 7 and 19:** Dependent Claims 7 and 19 each contain substantially the following limitations:

performing protocol processing on said input datastream; and  
performing protocol processing on said reconstructed output datastream,  
wherein  
    said protocol processing is performed using a protocol processor  
    comprising a protocol stack.

*See, e.g.*, Claim 7. Applicants respectfully submit that the cited sections of York fail to provide disclosure of these limitations.

The Office Action cites to the following disclosure of York as purported disclosure of the limitations of Claims 7 and 19: “It is assumed that each transmitter are

capable of sending packets of data to a receiver with data integrity checks and employ data compression if so configured.” York 3:55-57 (cited at Office Action, p.7). Applicants submit that the cited section does not disclosure protocol processing on the input datastream, as claimed, but instead relates to purportedly performing processing (data integrity checks and data compression) on the transmitted data packets. The Office Action itself correlates York’s transmitted data packets to the claimed PDUs, not the input datastream. *See* Office Action, p. 3. Thus, the Office Action is inconsistent in its interpretation that the York’s disclosed processing is being performed on the input datastream, as claimed, when, in fact, York discloses the processing to occur on the transmitted data packets. Similar arguments relate to the processing occurring on the received data packets.

For at least these reasons, Applicants submit that York fails to provide disclosure of the claimed protocol processing on the input datastream and output datastream and that dependent Claims 7 and 19, and all claims depending therefrom, are in condition for allowance. Applicants therefore respectfully request the Examiner’s reconsideration and withdrawal of the rejections to these claims and an indication of the allowability of same.

**CONCLUSION**

In view of the amendments and remarks set forth herein, the application and the claims therein are believed to be in condition for allowance without any further examination and a notice to that effect is solicited. Nonetheless, should any issues remain that might be subject to resolution through a telephonic interview, the Examiner is invited to telephone the undersigned at 512-439-5090.

Respectfully submitted,

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